

By Senator Gruters

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1 A bill to be entitled
2 An act relating to motor vehicle repair work;
3 providing a short title; amending s. 559.905, F.S.;
4 requiring a motor vehicle repair shop to request a
5 written crash report from a customer under certain
6 circumstances; requiring a motor vehicle repair shop
7 to prepare a transaction form under certain
8 circumstances; requiring the Department of Agriculture
9 and Consumer Services to approve the design and format
10 of the transaction form; specifying requirements for
11 the transaction form; requiring a motor vehicle repair
12 shop to record specified information on the
13 transaction form; requiring a motor vehicle repair
14 shop to maintain a copy of the transaction form for a
15 specified timeframe; requiring a motor vehicle repair
16 shop to deliver transaction forms to the appropriate
17 law enforcement agency within a specified timeframe;
18 providing an exception; authorizing a motor vehicle
19 repair shop to use certain evidence in court under
20 certain circumstances; requiring the electronic
21 transfer of transaction forms to the appropriate law
22 enforcement agency by a motor vehicle repair shop
23 under certain circumstances; authorizing the
24 appropriate law enforcement agency to provide certain
25 equipment to a motor vehicle repair shop; specifying
26 ownership and maintenance of such equipment;
27 specifying that a motor vehicle repair shop is not
28 required to deliver original or copies of transaction
29 forms under certain circumstances; authorizing the

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30 appropriate law enforcement agency to request an
31 original transaction form from a motor vehicle repair
32 shop under certain circumstances; requiring a motor
33 vehicle repair shop to respond to such request within
34 a certain timeframe; providing criminal penalties;
35 authorizing the department to revoke a motor vehicle
36 repair shop's registration under certain
37 circumstances; revising the items required in a
38 written repair estimate; making technical changes;
39 amending s. 559.909, F.S.; conforming a cross-
40 reference; making technical changes; reenacting s.
41 559.907(1)(b), F.S., relating to charges for motor
42 vehicle repair estimate and requirement of waiver of
43 rights prohibited, to incorporate the amendment made
44 to s. 559.905, F.S., in a reference thereto; providing
45 an effective date.

46
47 Be It Enacted by the Legislature of the State of Florida:

48
49 Section 1. This act may be cited as the "Lilly Glaubach
50 Act."

51 Section 2. Section 559.905, Florida Statutes, is amended to
52 read:

53 559.905 Crash report or transaction form required for
54 accident or collision repair work; written motor vehicle repair
55 estimate; ~~and~~ disclosure statement required.—

56 (1) (a) If a customer requests that a motor vehicle repair
57 shop perform work to restore a motor vehicle damaged in an
58 accident or a collision, and such work is estimated to cost

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59 \$5,000 or more, the motor vehicle repair shop must, before
60 preparing the written repair estimate required by subsection
61 (2), request that the customer provide a written crash report as
62 specified under s. 316.066.

63 (b) If the customer does not provide a written crash
64 report, the motor vehicle repair shop must prepare an accident
65 or collision repair work transaction form before preparing the
66 written repair estimate required by subsection (2). The
67 Department of Agriculture and Consumer Services must approve the
68 design and format of the transaction form, which must be 8 1/2
69 inches by 11 inches in size and elicit the information required
70 under this paragraph. In completing the transaction form, the
71 motor vehicle repair shop shall record the following
72 information, which must be typed or written indelibly and
73 legibly in English:

- 74 1. The name and address of the motor vehicle repair shop.
75 2. The vehicle identification number, year, license tag
76 number, make, model, and color of the damaged vehicle and the
77 name, phone number, physical description, and address of the
78 owner of the vehicle or the person in possession of the vehicle.
79 3. A detailed description of the damage to the vehicle.

80 (c) A motor vehicle repair shop shall maintain a copy of
81 each completed transaction form on its premises for at least 1
82 year after the date of the transaction. On or before the end of
83 each business day, the motor vehicle repair shop shall deliver
84 to the appropriate law enforcement agency the original
85 transaction forms for each of the transactions occurring during
86 the previous business day, unless other arrangements have been
87 agreed upon between the motor vehicle repair shop and the

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88 appropriate law enforcement agency. If the original transaction
89 form is lost or destroyed by the appropriate law enforcement
90 agency, a copy may be used by the motor vehicle repair shop as
91 evidence in court.

92 (d) If the appropriate law enforcement agency supplies the
93 necessary software and the motor vehicle repair shop has the
94 computer capability, transaction forms must be electronically
95 transferred. If a motor vehicle repair shop does not have the
96 computer capability, the appropriate law enforcement agency may
97 provide the motor vehicle repair shop with the necessary
98 equipment for the purpose of electronically transferring
99 accident or collision repair work transaction forms. The
100 appropriate law enforcement agency shall retain ownership of the
101 equipment, unless otherwise agreed upon. The motor vehicle
102 repair shop shall maintain the equipment in good working order,
103 ordinary wear and tear excepted. If a motor vehicle repair shop
104 transfers accident or collision repair work transaction forms
105 electronically, the motor vehicle repair shop is not required to
106 also deliver to the appropriate law enforcement agency the
107 original or copies of the transaction forms. The appropriate law
108 enforcement agency may, for the purposes of a criminal
109 investigation, request that the motor vehicle repair shop
110 produce the original of a transaction form that has been
111 electronically transferred. The motor vehicle repair shop shall
112 deliver this form to the appropriate law enforcement agency
113 within 24 hours after the request.

114 (e) Any person who violates this subsection commits a
115 misdemeanor of the second degree, punishable as provided in s.
116 775.082 or s. 775.083. If the department finds a motor vehicle

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117 repair shop in violation of this subsection, it may revoke the
118 motor vehicle repair shop's registration under s. 559.904.

119 (2) When any customer requests a motor vehicle repair shop
120 to perform repair work on a motor vehicle, the cost of which
121 repair work will exceed \$150 to the customer, the shop shall
122 prepare a written repair estimate, which is a form setting forth
123 the estimated cost of repair work, including diagnostic work,
124 before effecting any diagnostic work or repair. The written
125 repair estimate must also include all of the following items:

126 (a) The name, address, and telephone number of the motor
127 vehicle repair shop.

128 (b) The name, address, and telephone number of the
129 customer.

130 (c) The date and time of the written repair estimate.

131 (d) The vehicle identification number, year, make, model,
132 odometer reading, and license tag number of the motor vehicle.

133 (e) The proposed work completion date.

134 (f) A general description of the customer's problem or
135 request for repair work or service relating to the motor
136 vehicle.

137 (g) A statement as to whether the customer is being charged
138 according to a flat rate or an hourly rate, or both.

139 (h) The estimated cost of repair which must include any
140 charge for shop supplies or for hazardous or other waste removal
141 and, if a charge is included, the estimate must include the
142 following statement:

143

144 "This charge represents costs and profits to the motor
145 vehicle repair facility for miscellaneous shop

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146 supplies or waste disposal.”

147

148 If a charge is mandated by state or federal law, the estimate
149 must contain a statement identifying the law and the specific
150 amount charged under the law.

151 (i) The charge for making a repair price estimate or, if
152 the charge cannot be predetermined, the basis on which the
153 charge will be calculated.

154 (j) The customer's intended method of payment.

155 (k) The name and telephone number of another person who may
156 authorize repair work, if the customer desires to designate such
157 person.

158 (l) A statement indicating what, if anything, is guaranteed
159 in connection with the repair work and the time and mileage
160 period for which the guarantee is effective.

161 (m) A statement allowing the customer to indicate whether
162 replaced parts should be saved for inspection or return.

163 (n) A statement indicating the daily charge for storing the
164 customer's motor vehicle after the customer has been notified
165 that the repair work has been completed. However, storage
166 charges may not accrue or be due and payable for a period of 3
167 working days from the date after such notification.

168 (3)~~(2)~~ If the cost of repair work will exceed \$150, the
169 shop must present to the customer a written notice conspicuously
170 disclosing, in a separate, blocked section, only the following
171 statement, in capital letters of at least 12-point type:

172

173 PLEASE READ CAREFULLY, CHECK ONE OF THE STATEMENTS BELOW, AND
174 SIGN:

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175 I UNDERSTAND THAT, UNDER STATE LAW, I AM ENTITLED TO A
 176 WRITTEN ESTIMATE IF MY FINAL BILL WILL EXCEED \$150.

177
 178 I REQUEST A WRITTEN ESTIMATE.

179
 180 I DO NOT REQUEST A WRITTEN ESTIMATE AS LONG AS THE
 181 REPAIR COSTS DO NOT EXCEED \$..... THE SHOP MAY NOT EXCEED THIS
 182 AMOUNT WITHOUT MY WRITTEN OR ORAL APPROVAL.

183
 184 I DO NOT REQUEST A WRITTEN ESTIMATE.

185
 186 SIGNEDDATE

187
 188 (4)~~(3)~~ The information required by paragraphs (2) (h) and
 189 (i) ~~(1)~~ ~~(h)~~ and ~~(i)~~ need not be provided if the customer waives
 190 in writing her or his right to receive a written estimate.

191 (5)~~(4)~~ Except as provided in subsection (6) ~~(5)~~, a copy of
 192 the written repair estimate required by subsection (2) ~~(1)~~ and
 193 the disclosure statement required by subsection (3) must ~~(2)~~
 194 ~~shall~~ be given to the customer before repair work commences ~~is~~
 195 ~~begun~~. The disclosure statement may be provided on the same form
 196 as the written repair estimate.

197 (6)~~(5)~~ If the customer leaves her or his motor vehicle at a
 198 motor vehicle repair shop during hours when the shop is not open
 199 or if the customer permits the shop or another person to deliver
 200 the motor vehicle to the shop, there is ~~shall be~~ an implied
 201 partial waiver of the written estimate; however, upon completion
 202 of diagnostic work necessary to estimate the cost of repair, the
 203 shop shall notify the customer as required in s. 559.909(1).

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204 (7)~~(6)~~ ~~Nothing in~~ This section may not ~~shall~~ be construed
205 to require a motor vehicle repair shop to give a written
206 estimated price if the motor vehicle repair shop does not agree
207 to perform the requested repair.

208 Section 3. Subsection (1) of section 559.909, Florida
209 Statutes, is amended to read:

210 559.909 Notification of charges in excess of repair
211 estimate; unlawful charges; refusal to return vehicle
212 prohibited; inspection of parts.—

213 (1) In the event that:

214 (a) The written repair estimate contains only an estimate
215 for diagnostic work necessary to estimate the cost of repair and
216 such diagnostic work has been completed;

217 (b) A determination is made by a motor vehicle repair shop
218 that the actual charges for the repair work will exceed the
219 written estimate by more than \$10 or 10 percent, whichever is
220 greater, but not to exceed \$50; or

221 (c) An implied partial waiver exists for diagnostic work,
222 as described in s. 559.905(6) ~~s. 559.905(5)~~, and such diagnostic
223 work has been completed,

224
225 the customer must ~~shall~~ be promptly notified by the motor
226 vehicle repair shop by telephone, telegraph, mail, or other
227 means of the additional repair work and estimated cost thereof.
228 A customer so notified shall, orally or in writing, authorize,
229 modify, or cancel the order for repair.

230 Section 4. For the purpose of incorporating the amendment
231 made by this act to section 559.905, Florida Statutes, in a
232 reference thereto, paragraph (b) of subsection (1) of section

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233 559.907, Florida Statutes, is reenacted to read:

234 559.907 Charges for motor vehicle repair estimate;
235 requirement of waiver of rights prohibited.-

236 (1) No motor vehicle repair shop shall charge for making a
237 repair price estimate unless, prior to making the price
238 estimate, the shop:

239 (b) Obtains authorization on the written repair estimate,
240 in accordance with s. 559.905, to prepare an estimate. No motor
241 vehicle repair shop shall impose or threaten to impose any such
242 charge which is clearly excessive in relation to the work
243 involved in making the price estimate.

244 Section 5. This act shall take effect July 1, 2025.